

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TANDY L. HAIRSTON,)
CAROLYN BEVERLY,)
)
Plaintiffs,)
)
vs.) Case No. 4:05CV00363ERW
)
UNITED STATES OF AMERICA,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter comes before the Court upon Defendant's Motion to Dismiss [doc. # 5].

During a criminal investigation, the Government seized various items from Plaintiff Hairston's home and from storage, including computers, business statements, and financial records. None of these items were forfeited. The Government also seized a Rolex watch, which was later forfeited. Plaintiffs filed the instant lawsuit seeking the return of all property. On April 28, 2005, the Government filed a Motion to Dismiss. In its November 30, 2005 Order, this Court granted the Government's Motion as to the forfeited watch and granted an evidentiary hearing as to the remaining property. The Court held the evidentiary hearing on January 6, 2006. The Court heard arguments relating to whether Plaintiff Hairston's property should be returned immediately.

Accordingly,

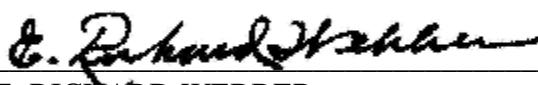
IT IS HEREBY ORDERED that Plaintiffs shall file with the Court, no later than **January 23, 2006**, a list of the specific seized items that they want the Government to

immediately return. If known, Plaintiffs shall include the location of the items prior to seizure. Furthermore, Plaintiff Hairston shall indicate where he wants the Government to send any property that is returned pursuant to Court Order. No later than **February 13, 2006**, the Government shall show cause as to why Plaintiffs' request for the return of property should not be granted.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss [doc. #5] is **GRANTED** as to all documentary evidence and computers containing information related to charges filed against Plaintiff Hairston. Plaintiffs may refile a motion for the return of seized documents and computers after all direct appeals and motions for habeas corpus relief have been ruled.

IT IS FURTHER ORDERED that any Motion to Reconsider this Court's November 30, 2005 Order shall be filed no later than **February 3, 2006**.

Dated this 6th day of January 2006.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE